

Exhibit J

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RIPPLE LABS, INC., BRADLEY GARLINGHOUSE, and
CHRISTIAN A. LARSEN,

Defendants.

**20-cv-10832 (AT) (SN)
(S.D.N.Y.)**

DECLARATION OF JOHN E. DEATON

I, John E. Deaton hereby declare under penalty of perjury to 28 U.S.C. §1746 that the following is true and correct:

1. I am an attorney admitted to practice before this Court *pro hac vice* and the managing partner of The Deaton Law Firm, LLC. I am counsel for amici curiae in the above-captioned action.
2. I respectfully submit this declaration in support of amici curiae.
3. Amici, Attorney John E. Deaton, and the Deaton Law Firm (DLF) have been contacted by 67,364 users and holders of the digital asset XRP indicating a shared interest with amici and an intent to join the putative class desiring to protect the property interests of the holders and users of XRP. The total number of putative class members increases each day.
4. Between October 26, 2021, to October 30, 2021, the number of XRP Holders sharing an interest with amici totaled approximately 57,700. Between October 26, 2021, to October 30, 2021, the DLF sent an e-mail to approximately 57,700 XRP Holders who had previously expressed interest

in participating in the putative class while sharing the same interests as amici. The Initial Email from the DLF inquired as to whether XRP Holders would be comfortable submitting an Affidavit(s) regarding their use and acquisition of XRP and the XRP Ledger (XRPL) to potentially be used in this case. *See Exhibit 1*, attached hereto, and incorporated herein, by reference.

5. Attorney John E. Deaton has communicated directly with hundreds of XRP Holders either in-person or electronically through video and/or audio teleconferencing. Attorney John E. Deaton has communicated directly with thousands of XRP Holders through social media. Through these direct communications and interactions with thousands of XRP Holders, Attorney Deaton acquired relevant facts and information providing him the foundational predicate that formed the basis for drafting the proposed Affidavits that fit the common circumstances surrounding the use and acquisition of XRP.
6. The Initial Email explained that the proposed Affidavits would include the following situations: “XRP Holders who purchased XRP without knowledge regarding the company Ripple; XRP Holders who purchased XRP with knowledge of Ripple but did not rely on any statements, promises, or inducements from Ripple in doing so; Developers utilizing XRP and the XRP Ledger (“XRPL”); Users of the XRPL and/or decentralized exchange (“DEX”); XRP Holders who purchased XRP and knew that they were NOT acquiring a legal or financial interest in Ripple when doing so; etc.” *See Exhibit 1*.

7. The Initial Email included a Google Form, which was linked within the email instructing XRP Holders to sign the Google Form if the XRP Holder was willing to sign the type of Affidavits described within the Initial Email, assuming those Affidavits were accurate and applicable to the individual XRP Holder's use and acquisition of XRP. *See* **Exhibit 1**.
8. The Initial Email made clear that anyone signing the linked Google Form was not yet agreeing to sign any Affidavit(s) but was only indicating a potential willingness to sign an Affidavit(s), if applicable and accurate. *See* **Exhibit 1**.
9. In the days following the Initial Email, 12,624 XRP Holders signed the Google Form voluntarily agreeing to review the proposed Affidavits and consider signing any Affidavit(s) that was applicable and accurate to the XRP Holders use and acquisition of XRP.
10. On or about November 1, 2021, an e-mail was forwarded to 11,052 XRP Holders. *See* **Exhibit 2** (Affidavit Email), attached hereto, and incorporated herein, by reference. The DLF attempted to send an email to all 12,624 XRP Holders who signed the Google form. However, manual errors related to email addresses were input by some XRP Holders, as well as there were duplicate email submissions. In total, 11,052 XRP Holders were sent an email on November 1, 2021 and November 4, 2021 via Constant Contact, a third-party email service provider. Contained within the email was a link to the proposed Affidavits and a link to the detailed instructions regarding the proposed Affidavits. The blank, proposed Affidavits are attached as **Exhibit**

3, and incorporated herein, by reference. The detailed instructions sent along with the Affidavits are attached as **Exhibit 4**, and incorporated herein, by reference.

11. The Affidavit Email and attached instructions explicitly state that XRP Holders should **only** fill and sign an Affidavit(s) if applicable to their situation. The instructions state: “Again, you should only sign an attached Affidavit(s) if two circumstances are present: 1) You are volunteering to do so and accept that there are no promises or inducements from Attorney John Deaton and the Deaton Law Firm; and 2) The Affidavit(s) you sign is both accurate and applicable to your purchase, acquisition and/or use of XRP.” *See Exhibit 4.*

12. The instructions indicated that: “Considering each affidavit states that it is made under oath, any affidavit that you sign should be notarized, **if possible.**” (Emphasis added). *See Exhibit 4.*

13. From November 1, 2021, to May 19, 2022, the DLF received a total of 3,252 Affidavits spanning the nine available categories. Of the 3,252 Affidavits, 1,610 are notarized. XRP Holders submitted their signed Affidavit(s) to the DLF through the following means: email; facsimile; U.S. postal service; international mailing; and physical delivery to the DLF. Upon receipt, the physical Affidavits were scanned, labeled, and digitally uploaded to their applicable folder in DLF’s cloud storage system. Digitally received Affidavits were promptly saved and uploaded to their applicable folder in DLF’s cloud storage.

14. The facts and statements contained in this Declaration are true and accurate.

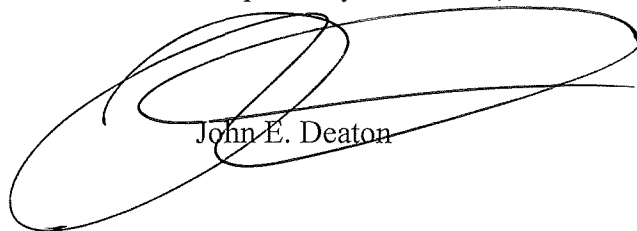
Exhibits 1-4 attached hereto, speak for themselves, and are adopted and incorporated herein by reference.

15. Exhibits 1-4 are records kept during regular conducted business activity and were made by the regular conducted business activity by a regular practice.

16. Exhibit 5 is a DVD containing the 3,252 XRP Holder Affidavits. The DVD also contains an Affidavit of Custodian of Records related to the authenticity and business record keeping practice of the DLF related to the 3,252 XRP Holder Affidavits collected and maintained by the DLF. The DVD also contains a copy of this Declaration and its enclosed Exhibits.

Executed on May 20, 2022, in East Providence, Rhode Island.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John E. Deaton

EXHIBIT 1

CONFIDENTIAL COMMUNICATION PROTECTED BY ATTORNEY WORK PRODUCT

This is a legitimate e-mail from the Deaton Law Firm and Attorney John E. Deaton. If you want confirmation as to the legitimacy of this e-mail, please contact our office at (401) 351-6400. Please refrain from publicizing this e-mail on Twitter, Reddit, or any other social media platform, as doing so could cause great harm to XRP Holders' position in the case. As stated above, this e-mail communication is protected by the attorney work product doctrine. Any person who violates the confidential nature of this e-mail and makes it available to the public will be removed from the list and barred from any future participation. It is difficult enough to communicate with tens of thousands of XRP Holders, so, please respect the confidential nature of this communication. Your cooperation is greatly appreciated.

The purpose of this e-mail is not only to respect those who wish to remain completely anonymous with no further involvement, but also to identify those who are willing to participate further. Those willing to participate further, please be advised that your personal identity will continue to remain anonymous, absent your further consent. The goal is to identify XRP Holders who may be willing to sign an Affidavit(s) that can be utilized by Attorney Deaton in his role as counsel for *amici curiae*.

Dear XRP Holder,

My name is Jordan S., and I am a paralegal at the Deaton Law Firm. I am sending you this e-mail at the direction of Attorney John Deaton. As you know, Attorney Deaton stated that XRP Holders who previously signed up on the class action Google Form can remain totally anonymous. Your identity will continue to remain anonymous unless you indicate otherwise. The purpose of this e-mail is to identify XRP Holders who are willing to go on record and possibly sign an Affidavit(s) to potentially be used in court (although the names will be redacted from public view). If ultimately you choose to sign an Affidavit(s) AND it is forwarded to the Court, only the judges and lawyers involved in this case will see the unredacted names. Therefore, you will remain anonymous to the public. Below is a link to a Google Form that should ONLY be filled out and submitted if you are willing to go on record and be a part of the case. Please be advised that you do not need to sign the Google Form linked below to be involved with this action. Only those that are willing to potentially sign an Affidavit(s) that is accurate regarding their purchase, acquisition, and/or use of XRP should submit this form. Please be advised that any proposed Affidavit(s) will need to be notarized, as they will be signed under oath. Of course, any proposed Affidavit that is not completely accurate should not be signed. Proposed Affidavit(s) could cover the following situations: XRP Holders who purchased XRP without knowledge regarding the company Ripple; XRP Holders who purchased XRP with knowledge of Ripple but did not rely on any statements, promises, or inducements from Ripple in doing so; Developers utilizing XRP and the XRP Ledger ("XRPL"); Users of the XRPL and/or decentralized exchange ("DEX"); XRP Holders who purchased XRP and knew that they were NOT acquiring a legal or financial interest in Ripple when doing so; etc. As previously stated, any signed Affidavit(s) must be both accurate and applicable. For example, if you did rely on any statements or information provided by Ripple before purchasing XRP, the proposed Affidavit(s) would not apply to you and therefore should not be signed.

Filling out the Google Form linked below DOES NOT require you to sign any Affidavit(s). The purpose of the Google Form is ONLY to identify XRP Holders who are willing to sign Affidavit(s), assuming the Affidavit(s) are accurate and applicable. If you choose to fill out the Google Form below, you are free to change your mind if you receive a proposed Affidavit(s) that does not apply to your purchase and/or use of XRP OR if you no longer wish to participate further for any reason. No XRP Holder should feel pressured to participate; rather, participation is completely voluntary. Attorney Deaton and the Deaton Law Firm offer no promises or inducements for your participation. The only promise made by Attorney Deaton and the Deaton Law Firm is that your name and identity will not be made public without your express consent. If you are not comfortable in any way in participating further (i.e., signing an Affidavit) you should not fill out the Google Form linked below.

There are more than fifty-five thousand XRP Holders that have signed the original class action Google Form and/or provided our firm with their information. It is Attorney Deaton's assumption that a vast majority of these XRP Holders desire to be a part of the case, but do not wish to participate further (i.e., signing an Affidavit). Therefore, we must reduce the pool of XRP Holders to identify those willing to participate. This will also limit unnecessary and/or unwanted correspondence. Again, any person who fills out the Google Form linked below IS NOT committing to signing an Affidavit(s) (obviously, no one could commit to signing a document that they have yet to read). Filling out the Google Form linked below simply indicates that you MAY be willing to sign an Affidavit(s) after you read it and determine that it is both accurate and applicable to your purchase, acquisition, and/or use of the Digital Asset XRP.

For those willing to participate further (as described above), please complete the following Google Form by providing your preferred e-mail address:

<https://forms.gle/5ZNt9i5HdqhuFHUs5>

Thank you,

Jordan Sharpe

Paralegal

DEATONLawFirm, LLC

450 North Broadway

East Providence, RI 02914

O: (401) 351-6400

F: (401) 351-6401

www.deatonlawfirm.com

CONFIDENTIALITY STATEMENT

This e-mail is intended only for the use of the individual or entity to which it is addressed and may contain Attorney-Client privilege or confidential information. Do not read, copy or disseminate if you receive this e-mail in error or you are not the intended recipient. Anyone who receives an e-mail relating to the representation of a client and knows or reasonably should know that the e-mail was inadvertently sent shall promptly delete it and notify the sender. The Deaton Law Firm is not responsible for any reliance on e-mails received by unintended recipients and will seek all available recourse for the dissemination of confidential or privileged information.

EXHIBIT 2

John E. Deaton ^A

DEATONLAWFIRM, LLC

450 North Broadway, East Providence, Rhode Island 02914

^A Admitted in RI, MA, CT & IA

CONFIDENTIAL COMMUNICATION PROTECTED BY ATTORNEY WORK PRODUCT

Dear XRP Holder,

CONSIDERING THIS IS MY SECOND E-MAIL TO YOU, AND YOU WERE EXPECTING THE ATTACHED PROPOSED AFFIDAVITS, YOU SHOULD HAVE GREATER CONFIDENCE THAT THIS E-MAIL AND ATTACHED AFFIDAVITS ARE LEGITIMATE AND NOT A SCAM. WHEN YOU READ THE AFFIDAVITS THEMSELVES, YOU WILL IMMEDIATELY BE ASSURED THAT THIS IS FOR THE BENEFIT OF XRP HOLDERS. IF, HOWEVER, YOU HAVE A CONCERN, PLEASE FEEL FREE TO CONTACT MY OFFICE AT (401) 351-6400.

PLEASE DO NOT PUBLISH THIS E-MAIL OR THE ATTACHED AFFIDAVITS ON TWITTER, REDDIT, OR ANY OTHER SOCIAL MEDIA PLATFORM. DESPITE THIS PREVIOUS INSTRUCTION, DOZENS OF XRP HOLDERS IGNORED THIS REQUEST AND PUBLISHED THE PREVIOUS E-MAIL. PLEASE BE AWARE THAT, AT THIS POINT, IF YOU PUBLISH THIS COMMUNICATION OR THE ATTACHED AFFIDAVITS, I WILL ASSUME YOU ARE ON THIS LIST FOR NEFARIOUS REASONS AND ATTEMPTING TO HARM XRP HOLDERS, TO WHICH YOU WILL BE BARRED FROM PARTICIPATING FURTHER. PUBLISHING THE E-MAILS OR AFFIDAVITS ONLY HIGHLIGHTS YOURSELF AND REDUCES YOUR ANONYMITY.

Attached to the bottom of this e-mail are proposed Affidavits for your careful review. The first attached document contains detailed instructions and explanations related to the Affidavits. Please read the instructions before reviewing or completing any Affidavit. The Affidavits are self-explanatory, however, if you don't read the instructions, you may miss critical information. For example, the instructions explain that many of you will likely be able to sign more than one Affidavit. The instructions provide examples as to these situations that I will not entirely repeat in the body of this e-mail. For example, many of you purchased XRP before becoming aware of Ripple AND purchased XRP after becoming aware of Ripple (i.e., because of the lawsuit). In this scenario, you should sign both Category 1A and 1B Investor Affidavits. If you own XRP both in a wallet and in a retirement account, you should also sign more than one Affidavit. After reading the instructions, please review each Affidavit carefully. If any Affidavit accurately describes the circumstances related to your purchase, acquisition, and/or use of XRP, please sign and have notarized, if possible, and forward the original document(s) to the Deaton Law Firm at 450 North Broadway, East Providence, Rhode Island 02914, in addition to sending a scanned copy to all-deaton@deatonlawfirm.com and/or via fax at +1 (401) 351-6401. Finally, because time is of the essence, we need any and all signed Affidavits within the next week in order to maximize our chances of getting this information in front of the Court.

As you know, the Securities and Exchange Commission's ("SEC") allegations are not limited to only how Ripple Labs sells XRP. The SEC is claiming that all XRP, including the XRP traded in the secondary market, are unregistered securities. These allegations threaten your XRP investment and/or holdings. It is essential that the Court be made aware of the factual evidence contained within the attached Affidavits. I realize finding a Notary Public or person authorized to administer oaths to witness your signature is inconvenient, however, it provides greater authenticity in validating the accuracy of your Affidavit(s).

Thank you in advance.

John E. Deaton

Attorney at Law

DEATONLawFirm, LLC

450 North Broadway

East Providence, RI 02914

O: (401) 351-6400

F: (401) 351-6401

- SEE BELOW FOR LINKS TO INSTRUCTION SHEET AND AFFIDAVITS -

INSTRUCTIONS:

**INSTRUCTION SHEET: READ BEFORE
SIGNING ANY AFFIDAVITS**

PLEASE REMEMBER: MORE THAN ONE
AFFIDAVIT MAY BE APPLICABLE TO YOUR
PURCHASE, ACQUISITION, AND/OR USE OF
XRP. PLEASE SIGN ALL APPLICABLE
AFFIDAVITS.

XRP HOLDER AFFIDAVITS:

[Category 1A | Investor Affidavit](#)

[Category 1B | Investor Affidavit](#)

[Category 2A | Investor/User Affidavit](#)

[Category 2B | Investor/User Affidavit](#)

[Category 3 | Developer Affidavit](#)

[Category 4A | XRPL User Affidavit](#)

[Category 4B | XRPL/DEX User Affidavit](#)

[Category 5 | Retirement Affidavit](#)

[Category 6 | XRP Collateral/Staking Affidavit](#)

Deaton Law Firm LLC | [Website](#)



CryptoLaw

Deaton Law Firm LLC | 450 North Broadway, East Providence, RI 02914 (401) 351-6400

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EXHIBIT 3

XRP HOLDER AFFIDAVIT (INVESTOR - CATEGORY 1A)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. (“Ripple”), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. The first time I purchased XRP I was completely unaware of a company called Ripple and its use of XRP.
6. Considering that I was unaware of Ripple, when I acquired XRP I did not rely on any statements, promises, or inducements from Ripple, its executives, or affiliates.
7. Because I was unaware of Ripple, when I acquired XRP I did not believe I was acquiring any legal or financial interest in Ripple.
8. Because I was unaware of Ripple when I acquired XRP, I was not relying on the efforts of Ripple or its management team for any purpose.
9. I acquired XRP because of its superior technology related to other digital assets (i.e., superior transaction speed, minimal costs, and/or low-energy output), and/or because it was a ‘Top 10’ cryptocurrency by market cap and was listed at a lower price compared to others.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (INVESTOR - CATEGORY 1B)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. ("Ripple"), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. When I first acquired XRP, I was aware of the company Ripple and that it sold software products to banks and offered a product that utilizes XRP for cross border payments. I was also aware that other companies and developers were building products that incorporate the XRP Ledger (XRPL).
6. When I acquired XRP I did not rely on any statements, promises, or inducements from Ripple, its executives, or affiliates.
7. When I acquired XRP I did not believe I was acquiring any legal or financial interest in Ripple.
8. Although I was aware that Ripple offered a product to banks or other companies utilizing XRP, when I acquired XRP I was not relying on the efforts of Ripple or its management team for any purpose.
9. I acquired XRP because of its superior technology related to other digital assets (i.e., superior transaction speed, minimal costs, and/or low-energy output), and/or because it was a 'Top 10' cryptocurrency by market cap and was listed at a lower price compared to others.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (INVESTOR/USER - CATEGORY 2A)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. ("Ripple"), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. The first time I purchased XRP I was completely unaware of a company called Ripple and its use of XRP.
6. Considering that I was unaware of Ripple, when I acquired XRP I did not rely on any statements, promises, or inducements from Ripple, its executives, or affiliates.
7. Because I was unaware of Ripple, when I acquired XRP I did not believe I was acquiring any legal or financial interest in Ripple.
8. Because I was unaware of Ripple when I acquired XRP, I was not relying on the efforts of Ripple or its management team for any purpose.
9. I acquired XRP because of its superior technology related to other digital assets (i.e., superior transaction speed, minimal costs, and/or low-energy output), and/or because it was a 'Top 10' cryptocurrency by market cap and was listed at a lower price compared to others.
10. In addition to acquiring XRP for investment purposes, I have acquired XRP for non-investment reasons. I have acquired XRP for one or more of the following reasons:
 - a. As a form of currency for payment for goods and/or services I provided; and/or
 - b. As a substitute for fiat currency, utilized as a store of value, and/or to purchase everyday items such as food, clothing, and other retail purchases.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (INVESTOR/USER - CATEGORY 2B)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. ("Ripple"), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. When I first acquired XRP, I was aware of the company Ripple and that it sold software products to banks and offered a product that utilizes XRP for cross border payments. I was also aware that other companies and developers were building products that incorporate the XRP Ledger (XRPL).
6. When I acquired XRP I did not rely on any statements, promises, or inducements from Ripple, its executives, or affiliates.
7. When I acquired XRP I did not believe I was acquiring any legal or financial interest in Ripple.
8. Although I was aware that Ripple offered a product to banks or other companies utilizing XRP, when I acquired XRP I was not relying on the efforts of Ripple or its management team for any purpose.
9. I acquired XRP because of its superior technology related to other digital assets (i.e., superior transaction speed, minimal costs, and/or low-energy output), and/or because it was a 'Top 10' cryptocurrency by market cap and was listed at a lower price compared to others.
10. In addition to acquiring XRP for investment purposes, I have acquired XRP for non-investment reasons. I have acquired XRP for one or more of the following reasons:
 - a. As a form of currency for payment for goods and/or services I provided; and/or
 - b. As a substitute for fiat currency, utilized as a store of value, and/or to purchase everyday items such as food, clothing, and other retail purchases.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (DEVELOPER - CATEGORY 3)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. (“Ripple”), its executives, or affiliates.
4. I am a Developer of a product and/or application with the intention of utilizing the Digital Asset XRP and the XRP Ledger (“XRPL”).
5. The XRPL is an open-source permissionless distributed ledger technology. This means any person or entity from around the world can build a product and/or application utilizing the XRPL.
6. Utilizing the XRPL does not require permission, consent, direction, or instruction from Ripple, its executives, or affiliates.
7. Ripple is one company that offers products utilizing XRP and the XRPL. It is my understanding that there are dozens, if not hundreds, of other companies and/or developers utilizing XRP and the XRPL. I have begun the development of my product and application utilizing the XRPL without any contact with Ripple, its executives, and/or affiliates.
8. The enforcement action filed in the matter of *SEC v. Ripple Labs Inc.* prevents me from seeking the introduction and/or use of my product within the United States out of fear of violating U.S. securities laws.

Signature of Affiant: _____

Date: _____

XRPL HOLDER AFFIDAVIT (XRPL USER - CATEGORY 4A)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. ("Ripple"), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. I am a user of the XRP Ledger ("XRPL"). I acquired XRP in order to utilize the XRPL. I utilize XRP and the XRPL because of its transaction speed, low costs, and/or its minimal energy consumption.
6. I first acquired XRP for its utility and not for investment purposes. I acquired XRP to transfer other digital assets, currencies, and/or send value to others utilizing the XRPL. Digital assets like Bitcoin and Ethereum are too slow and/or too expensive to utilize as a bridge or transfer asset.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (XRPL/DEX USER - CATEGORY 4B)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. (“Ripple”), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. I am a user of the XRP Ledger (“XRPL”). I acquired XRP in order to utilize the XRPL. I utilize XRP and the XRPL because of its transaction speed, low costs, and/or its minimal energy consumption.
6. I first acquired XRP for its utility and not for investment purposes. I acquired XRP to transfer other digital assets, currencies, and/or send value to others utilizing the XRPL. Digital assets like Bitcoin and Ethereum are too slow and/or too expensive to utilize as a bridge or transfer asset.
7. I’ve also utilized the decentralized exchange (“DEX”) built within the XRPL. This allows me to acquire and/or trade other assets built and/or traded on the XRPL DEX.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (RETIREMENT - CATEGORY 5)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. ("Ripple"), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. I hold XRP in a licensed brokerage retirement account. My XRP funds represent a significant portion of my life savings.
6. Because of the enforcement action filed in the matter of *SEC v. Ripple Labs Inc.*, my broker suspended all trading of XRP. I cannot sell my XRP. I cannot convert my XRP into Bitcoin, Ethereum, or any other digital asset. I cannot convert my XRP back into U.S. dollars or other fiat currencies.
7. My XRP retirement funds have been frozen until there is a resolution of the *SEC v. Ripple Labs Inc.* case.
8. When I acquired the XRP in my retirement account, I did not rely on any promises, statements, or inducements of Ripple, its executives, or affiliates. Because my XRP funds are frozen, if I or my family experienced a life-altering event that required the need to access my XRP funds, I would be unable to do so.
9. My XRP funds being frozen and my inability to trade and/or convert my XRP has caused me to experience significant anxiety and/or stress.

Signature of Affiant: _____

Date: _____

XRP HOLDER AFFIDAVIT (XRP COLLATERAL/STAKING - CATEGORY 6)

Under oath, I solemnly swear:

1. My name is _____ and I am 18 years of age or older.
[full legal name]
2. I reside at _____.
[street name, city, state, ZIP code, country]
3. I am an XRP Holder. I acquired XRP in the secondary market and not from Ripple Labs Inc. (“Ripple”), its executives, or affiliates.
4. I acquired XRP for the first time on _____.
[mm/dd/yyyy]
5. I do not rely on the efforts of Ripple, its executives, or affiliates in any way as it relates to my ownership of XRP. By owning XRP itself, I do not need to rely on the efforts of Ripple to generate a profit or to receive any financial benefit.
6. I utilize XRP itself in the following way(s):
 - a. I utilize my XRP as collateral to obtain financing; and/or
 - b. I stake (i.e., loan) my XRP on digital trading platforms (i.e., Nexo, Celsius, Bittrue, and/or other trading platforms). By staking/loaning my XRP on these platforms, I’m able to earn interest and/or receive additional compensation (i.e., additional cryptocurrencies).

Signature of Affiant: _____

Date: _____

EXHIBIT 4

CONFIDENTIAL COMMUNICATION
Work Product of Deaton Law Firm LLC.

INSTRUCTIONS TO XRP HOLDERS RELATED TO THE ATTACHED PROPOSED XRP HOLDER AFFIDAVITS

CONSIDERING EACH AFFIDAVIT STATES THAT IT IS MADE UNDER OATH, ANY AFFIDAVIT THAT YOU SIGN SHOULD BE NOTARIZED, IF POSSIBLE. PRIOR TO SIGNING ANY AFFIDAVIT, PLEASE READ THESE INSTRUCTIONS CAREFULLY. PLEASE THOROUGHLY REVIEW ANY AFFIDAVIT THAT YOU SIGN.

Dear XRP Holder,

I have forwarded a series of potential Affidavits that may apply to your purchase, acquisition, and/or use of XRP and/or the XRP Ledger ("XRPL"). Please be advised that not every Affidavit will apply to your situation. Therefore, you ARE NOT expected or being asked to sign each Affidavit. Because time is of the essence and I am communicating with tens of thousands of XRP Holders, I cannot correspond with each of you individually and tailor an Affidavit only specific to your situation. After corresponding with literally thousands of XRP Holders, I am confident that one or more of the attached Affidavits will likely apply to your situation. If, however, no Affidavit is accurate or applicable to your situation, you should NOT sign any of the attached Affidavits.

Please be advised that more than one Affidavit can apply to your purchase, acquisition, and/or use of XRP. You are free to sign any and all Affidavits that are accurate and applicable to your situation; therefore, there will be some XRP Holders who sign more than one Affidavit. For example, if you own XRP in an iTrust retirement account (or other brokerage company), you will likely be signing one of the Category 1 Investor Affidavits, as well as the Category 5 Retirement Affidavit. Likewise, if you invested in XRP but have also utilized XRP and/or the XRPL to send money abroad, you should sign both a Category 1 Investor Affidavit and Category 2 Investor/User Affidavit. Another example that is likely applicable to many of you is that the first time you purchased XRP, you were unaware of Ripple (therefore, you should sign the Category 1A Investor Affidavit), but many of you also purchased XRP after the SEC's lawsuit against Ripple, which would allow you to also sign the Category 1B Investor Affidavit. Another example is that many of you stake your XRP for interest on Nexo, Celsius, Bittrue, or other trading platforms. Many of you also utilize your XRP as collateral for financing. In this scenario, you should not only sign a Category 1 Investor Affidavit, but also the Category 6 Collateral/Staking Affidavit.

Please refrain from publishing or sharing any e-mail correspondence from Attorney John Deaton or anyone from the Deaton Law Firm LLC. **DO NOT publish the attached Affidavits on Twitter, Reddit, or any other social media platform.** Any XRP Holder who publishes or shares this confidential information is jeopardizing our ability to present this evidence to the Court in the matter of *SEC v. Ripple Labs Inc.* If you publish either a signed or unsigned Affidavit, I will assume that you intend to harm XRP Holders, and you will be barred from participating in the future.

As you know, not every XRP Holder who signed the original class action Google Form is receiving the proposed Affidavits. If you are receiving this e-mail and attached Affidavits, it is because you have indicated that you may be willing to sign an Affidavit (assuming it is accurate and applicable). Only a small percentage of the over fifty-eight thousand XRP Holders are receiving this e-mail and the attached Affidavits. As I stated in the previous e-mail, signing an Affidavit(s) is on a completely voluntary basis. Those of you who initially indicated that you were willing to sign an Affidavit may have changed your mind. This is perfectly acceptable and understandable.

Again, you should only sign an attached Affidavit(s) if two circumstances are present: 1) You are volunteering to do so and accept that there are no promises or inducements from Attorney John Deaton and the Deaton Law Firm; and 2) The Affidavit(s) you sign is both accurate and applicable to your purchase, acquisition, and/or use of XRP. Finally, as I previously indicated, your name will be redacted from public view. If your Affidavit is submitted to the Court, only the judges, court personnel, and lawyers assigned to the case will see your name. Your name and identity will never be released to the public without your express consent.

Once you have completed the Affidavit(s), please forward all original copies to the Deaton Law Firm, 450 North Broadway, East Providence, Rhode Island 02914, as well as forwarding a scanned copy to all-deaton@deatonlawfirm.com and/or via fax at +1 (401) 351-6401.

Notary Publics in the United States are typically available at your local bank, real estate firm/office, library, American Automobile Association (AAA), or United Parcel Service (UPS) for little to no cost. For more information on finding a Notary Public near you, please visit <https://www.nationalnotary.org/resources-for/public/find-a-notary>. For international XRP Holders, please follow your jurisdictions' applicable standards and/or practices related to sworn declarations.

Thank you for your continued support.

EXHIBIT 5

Exhibit
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